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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,816	10/05/2001	Masafumi Ishige	450104-02976	6752
20999	7590	01/25/2006		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER SHIBRU, HELEN	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/972,816	ISHIGE, MASAFUMI	
	<b>Examiner</b>	<b>Art Unit</b>	
	HELEN SHIBRU	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/05/2001</u> ✓  | 6) <input type="checkbox"/> Other: _____                                    |

***Information Disclosure Statement***

1. The translation for the information disclosure statement filed on 10/05/2001 must be submitted.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarin (US Pat. No. 6,414,725) in view of Krause (US PG Pub. 2001/0055336 A1)

Regarding claim 1, Clarin discloses a video data recording apparatus comprising  
a first data processing means for compressing inputted video data by a first compression rate to output a first encoded data (see claim 1 (b)),

a second data processing means for compressing said inputted video data by a compression rate different from said first compression rate to output a second encoded data (see claim 1 (d)),

a storing means for storing at least said first encoded data outputted from said first data processing means in a storage medium (see claim 1 (C)),

a transmitter (see network server in fig. 1) means for transmitting said second encoded data outputted from said second data processing means to outside (see col. 4 lines 10-39), and

a receiver (see computer (11) in fig. 1) means for receiving at least an edit decision list based on said second encoded data inputted from the outside (see col. 4 lines 40-58), wherein

said edit decision list received by supplied to said storing means and is said receiving means is stored together with said first encoded data in said storage medium (see col. 4 lines 59-67 and claims 10 and 13). Claim 1 differ from Clarin in that the claim further requires a second data processing means for compressing said inputted video data by a compression rate higher than said first compression rate to output a second encoded data.

In the same field of endeavor Krause discloses a first and second encoder (see fig. 1, 2, 9, and 10) and varying the data rate of an encoded video program stream from a first rate to a second rate (see paragraph 0034 lines 1-6). Krause further discloses the rate of the second compression is higher than the first compression ratio in one embodiment but also a lower compression ratio may be used (see paragraph 0034 lines 7-end). Therefore in light of the teaching in Krause it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Clarin by providing different compression rate in order to recover the prediction errors.

Regarding claim 2, Clarin discloses receiver means receives, together with said edit decision list, incidental data to said second encoded data (see claim 11).

Regarding claim 3, Clarin discloses transmitter means transmits, together with said second encoded data, incidental data to said second encoded data (see claim 15).

Regarding claim 4, Clarin discloses incidental data to said second encoded data are scrip data (see col. 3 line 59-col. 4 line 10).

Regarding claim 5, Clarin discloses storage medium is a recording medium capable of random access (see col. 4 lines 10-23).

Method claims 6-10 are rejected for the same reason as discussed in the apparatus claims 1-5.

Regarding claims 11-20, the limitations of claims 11-20 can be found in claim 1. therefore claims 11-20 are analyzed and rejected for the same reason as discussed in claim 1 above.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES J. GROODY can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru  
January 13, 2006

  
ROBERT CHEVALIER  
PRIMARY EXAMINER

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